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Aug. 26

CONCORD, N.H.

Mr. William H. Mescock, Jr.  
State Forester,  
Forestry and Recreation Commission  
Concord, New Hampshire

Dear Mr. Mescock:

You have inquired whether or not your district fire chiefs and assistant district fire chiefs fall in the category described in chapter 266, section 12, Laws of 1953.

Confirming my oral opinion to you, your district fire chiefs and assistant district fire chiefs are law enforcement officers but are not included in the category of law enforcement employees under section 2.c., chapter 211, Laws of 1953, as inserted by section 12, chapter 266, Laws of 1953, unless each law enforcement employee regularly works forty-eight hours or more per week for each of the fifty-two weeks in the year. Unless and until you can establish with the Personnel Commission that your law enforcement employees are so regularly employed, they are not entitled to receive the additional compensation provided by section 2. c., chapter 211, Laws of 1953.

If you are not able to establish that your law enforcement employees regularly work forty-eight hours or more per week in each of the fifty-two weeks of the year, I regret that the Personnel Commission would not be legally authorized to include such employees under section 2. c., chapter 211, Laws of 1953.

Very truly yours,

John H. Kassikas  
Deputy Attorney General

JHM:HP